

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

GERRY HUMMELL,

Plaintiff,

v.

No. 11-765 GBW/WPL

HORACIO RIVERA, and  
CITY OF LAS CRUCES,

Defendants.

**ORDER**

These matters come before the Court on certain of the parties' Objections to Exhibits and Witnesses, the parties' Motions in Limine, and the third party Motion for Protective Order. *Docs. 76, 80, 81, 82, 85, 88, 90, 92, 93, 94, 95*. The Court also held a pre-trial conference on April 1, 2013 (*doc. 96*) at which the parties presented argument on these objections and motions. Having considered the motions, the briefs of the parties, the parties' oral argument, and the applicable law, and otherwise being fully advised, finds as follows:

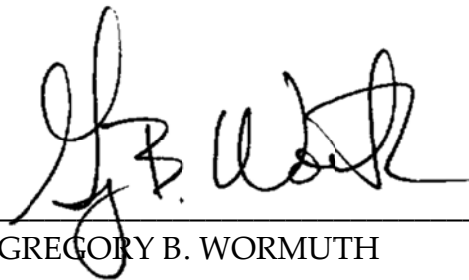
The Court finds that Dr. Zumwalt's Motion for Protective Order (*doc. 95*) is moot based on the parties' representations at the pre-trial conference.

Plaintiff's Motion in Limine (*doc. 81*) is DENIED for the reasons set forth at the pre-trial conference. Defendants' Motion in Limine (*doc. 76*) is DENIED for the reasons set forth at the pre-trial conference.

Plaintiff filed Objections to Defendants' Exhibits 4, 9, and 11-17. *Doc. 90*. Plaintiff's Objections to Exhibits 4 and 13-17 are OVERRULED for the reasons set forth at the pre-trial conference. Plaintiff's Objections to Exhibits 9, 11, and 12 are SUSTAINED.

The Court withholds judgment on Defendants' Objection to Plaintiff's Witness List (*doc. 85*) pending Plaintiff's proffer at trial.

**IT IS SO ORDERED.**

A handwritten signature in black ink, appearing to read 'G.B. Wormuth', is written over a horizontal line.

GREGORY B. WORMUTH  
UNITED STATES MAGISTRATE JUDGE  
**Presiding by consent**